IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

Bail Appl..No. 1165 of 2007()

CRMP.392/2007 of ADDL. SESSIONS COURT (SPL.), KOTTAYAM

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PETITIONER/ACCUSED

M.T.BABU, S/O.THANKAPPAN,
MANATHANATHU HOUSE, KAIPPALLY P.O.,
POONJAR THEKKEKARA VILLAGE,
KOTTAYAM DISTRICT.

BY ADV. SRI.P.N.SASIDHARAN
SRI.C.A.ANUPAMAN

RESPONDENT/COMPLAINANT:

STATE OF KERALA, REPRESENTED BY THE
EXCISE INSPECTOR, EXCISE RANGE OFFICE,
ERATTUPETTA, NOTICE TO WHOM MAY BE SERVED ON THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM
.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 1165 OF 2007

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DATED THIS THE 28th DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the accused in C.R.No.11/03 of Excise Range, Erattupetta for an offence punishable under sections 8(2) of the Abkari Act for allegedly having been found in possession of three litres of illicit arrack on 13.8.2003 and who made good his escape and who was arrested in another crime on 12.1.2007 and whose arrest was formally recorded on 31.1.2007, seeks his enlargement on bail.

2. Learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner is an accused in C.R.No.1/07 of the very same Excise Office for allegedly possessing 750 ml of arrack and 55 litres of wash on 12.1.2007.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec.41A of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

This application is accordingly dismissed.

V.RAMKUMAR, JUDGE.

dsn/-